



RECEIVED

MAR 31 2003

Atty. Docket No. 39754-0721A

#12
4/3/03

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reen Wu Docket No.: 39754-0721A

Serial No.: 09/990,613 Group Art Unit: 1632

Filing Date: November 21, 2001 Examiner: Li, Qian J.

For: **COMPOSITIONS AND METHOD FOR THE ANALYSIS OF
MUCIN GENE EXPRESSION AND IDENTIFICATION OF DRUGS
HAVING THE ABILITY TO INHIBIT MUCIN GENE EXPRESSION**

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action mailed on February 6, 2003 in connection with the above-identified patent application, Applicants were given a one-month deadline to elect, for examination purposes, one of the inventions identified as Groups I-VI on pages 2 and 3 of the Office Action. In addition, if electing one of the inventions groups I, II, IV-VI, Applicants were requested to elect either SEQ D NO: 31 or SEQ ID NO: 32 as a single disclosed species. Since this is an election of species requirement, Applicants will be able to recapture the non-elected species, once a generic claim is held to be allowable.

The invention of Group I (Claims 1-5), and the species of SEQ ID NO: 31 is hereby elected, with traverse. All of Claims 1-5 read on the elected species.

According to the restriction requirement, "each of the groups II and I are drawn to a different product, i.e. a nucleic acid, or a transgenic mammal." This is not the case. Claims 6-12 concern host cells comprising nucleic acid specified in Claims 1-5. Of the claims grouped as Group II (6-13, 19, and 27-29) only claims 13, 19, and 27-29 refer to transgenic animals. In view of this, the Examiner

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on March 17, 2003, with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: March 17, 2003

Cheryl Ann Rogers
Cheryl Ann Rogers

is respectfully requested to examine at least claims 6-12 along with the Group I claims. It is noted that the examination of the additional claims in the present application does not place additional burden on the Examiner, and would be fully in line with the examination practice of the Patent Office.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 39754-0721A). A duplicate copy of this paper is enclosed.

Respectfully,

Date: March 17, 2003


Ginger R. Dreger
Reg. No. 33,055

HELLER ERHMAN WHITE & McAULIFFE LLP

Customer No. 25213
275 Middlefield Road
Menlo Park, CA 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 418794 v1
3-17-03 10:52 AM (39754.0721)